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BOARD OF PHARMACY

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STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF PHARMACY

IN THE MATTER OF THE SUSPENSION	:	Administrative Action
OR REVOCATION OF THE LICENSE OF:	:	
	:	
JOSEPH HEINEMAN, R.P.	:	CONSENT ORDER
	:	
TO PRACTICE PHARMACY IN THE	:	
STATE OF NEW JERSEY	:	
	:	
	:	

This matter was opened to the New Jersey State Board of Pharmacy upon the receipt of information that the respondent had been stopped on November 15, 1999 by the Manalapan Police for failure to maintain the vehicle in the lane. At that time he was found to be in possession of marijuana and drug paraphernalia.

Respondent appeared before a Committee of the Board of Pharmacy on September 13, 2000 and testified at length as to the circumstances of the above-mentioned criminal complaint. It appearing that respondent contends that the CDS and CDS paraphernalia were not his, but rather property of an individual who borrowed his car. Despite the fact that the criminal matter has

been disposed of by way of a conditional discharge, the Board believes it to be imperative to assure that respondent, who has access to CDS, be monitored for a period of time. The Board finds this Interim Order to be adequately protective of the public, and it further appearing that the parties wish to resolve this matter without the necessity of further proceedings, and for good cause shown,

IT IS THEREFORE ON THIS

30th DAY OF October, 2000,

ORDERED AND AGREED:

1. Respondent shall have his urine monitored at his own expense on a random, unannounced basis for a three (3) month period. Testing shall be performed one (1) time per week, including no less than one weekend per month. The urine specimens shall be performed with direct witnessing by a Board approved monitor. The initial drug screen will utilize the EMIT technique and all confirming tests and/or secondary tests will be performed by gas chromatographing/mass spectrometry (GC/MS). The testing procedure shall include a forensic chain of custody protocol to ensure sample integrity and to provide documentation thereof.

2. The result of all tests shall be reported directly from the laboratory, to Lois Johnson, Executive Director of the Board or her successor, or her designee in the event she is unavailable. The Board may at anytime alter or modify the manner of the testing directed herein. In the event of any such alteration or modification the Board shall give timely notice of any new testing requirement to the respondent.

3. In the event respondent is unable to appear for a scheduled urine test due to illness or other impossibility, consent to waive that day's test must be secured from the Board office. The lab or monitor will not be authorized to provide consent. In addition, respondent must provide the Board with any written substantiation which may be obtained for his inability to appear, eg. physician's report.


4. Any failure to appear for a urine test for which consent is not secured from the Board and for which no written substantiation is furnished satisfactory to the Board within two (2) days of such failure to appear shall be grounds for a hearing for the suspension of respondent's license upon short notice.

5. Respondent hereby consents to the entry of an Order of Automatic Suspension of his license without prior notice upon the Board's receipt of a report of a confirmed positive urine.

6. Respondent shall have the right to apply for removal of the automatic suspension of two (2) days notice but in such event shall be limited to a showing that the urine tested was not his or was a false positive in which case respondent shall have the burden of proving either contention.

7. Respondent shall not use or possess any controlled dangerous substance, except for bona fide medical purposes as deemed necessary by an authorized prescriber. The Board shall be notified by the prescriber prior to or contemporaneously with prescribing.


NEW JERSEY STATE BOARD OF PHARMACY

By: 
Richard A. Palombo, R.P., President

I have read the within Order and
I understand each of the terms of
the Order and agree to be bound by
it.


Joseph Heineman, R.P.

The above Order is agreed
to as to form and entry
and I acknowledge that my
client has read each of the
individual terms of the within
Order.


Michael Pappa, Attorney for
Joseph Heineman, R.P.